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ABSTRACT

This paper describes a study conducted in 22 counties in Middle Tennessee to determine the extent to which teachers have experienced sexual harassment. Of the 318 teachers responding, 172 report having been subjected to unwanted harassment. Of those responding positively, 150 are female. The forms of harassment indicated were sexual remarks, unwanted touching; staring at body parts, and overt sexual demands. Only a small percentage actually reported the harassment, and four reasons were given for not reporting the incidents: belief that nothing would be done; embarrassment; fear of professional repercussions; and fear of ridicule by fellow teachers. The following guidelines that, they believe, may be helpful in deterring sexual harassment: (1) develop a written policy addressing sexual harassment; (2) communicate the policy to every employee; (3) conduct training and staff development for all employees; (4) report any inappropriate conduct to the proper authorities; (5) follow up on all complaints; and (6) do not tolerate sexual harassment. The paper also provides an overview of two recent Supreme Court rulings: "Burlington Industries v. Ellerth"; and "Faragher v. Boca Raton." Also mentioned are the inclusion of sexual harassment in Title VII of the Civil Rights Act and Title IX of the Education Amendments. (RIB)

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A STUDY CONCERNING SEXUAL HARASSMENT AMONG SCHOOL PERSONNEL

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The Supreme Court of the United States has broached the sensitive topic of sexual harassment in the work place once again. In June, 1998 the Court ruled in Burlington Industries v. Ellerth that an employer may be liable for alleged sexual harassment unless it is proven that reasonable care has been taken to prevent its occurrence. Also, the Court found that in the event of a harassment claim employees must take advantage of any existing preventative or corrective measures available to them to seek an initial remedy for such claims (Barrier, 1998, p.17).

During the same United States Supreme Court session, Ms. Beth Ann Faragher, in Faragher v. Boca Raton, Florida was supported in her claim of being sexually harassed. Ms. Faragher was a lifeguard who was subjected to unwanted comments and "touching" by her supervisors. The Supreme Court ruled that the city was responsible for "unchecked authority" by the supervisors involved. It was shown that the city had a written policy prohibiting sexual harassment, but the policy was not widely distributed. Consequently, the offending supervisors were unaware of the policy. This fact did not exonerate the city for the Supervisors' behavior (Barrier, 1998, p. 17).

Previous Supreme Court decisions concerning sexual harassment have been focused primarily on determining the nature of what constitutes sexual harassment. The two recent decisions have done much to clarify the responsibilities of supervisors and policymakers in such matters (Greenhouse, 1998, The New York

Times).

Title VII of the Civil Rights Act, amended in 1980, prohibits discrimination which includes acts which pertain to sexual harassment. Sexual harassment is described as:

> Unwelcome sexual advances, requests for sexual favors and other verble or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment (Status of Women Commission, 1995. p.3).

The law concerning sexual harassment does not differentiate between males and females. Therefore, same sex harassment is illegal.

Title IX of the Education Amendments of 1972 was enacted to protect individual rights and to prohibit discrimination based on gender in educational programs or activities. In 1982, the United States Department of Education included sexual harassment under Title IX and defined it as verbal or physical, conduct of a sexual nature (Alexander, 1998, p.866).

Even under the protection of the law sexual harassment continues. In the Supreme Court cases cited, the court emphasized that an employee who is being harassed has a responsibility to report such behavior to the appropriate authority.

A study was conducted in 22 counties in Middle Tennessee to determine the extent to which teachers believed that they had experienced sexual harassment. Some 318 public school teachers

participated in the study, and 172 (54 percent) report that they had been subjected to unwanted sexual harassment. The 172 individuals who stated they were harassed included 22 males (13 percent) and 150 females (87 percent). The form of sexual harassment is shown in the following table.

FORMS OF SEXUAL HARASSMENT

	Number*	
	Male	Female
Sexual Remarks	22	143
Unwanted Touching	18	111
Staring at Body Parts	18	131
Overt Sexual Demands	6	74

*Some participants reported multiple occurrences

The respondents were asked if they reported the unwanted incidences. It was found that only two of the males and 29 of the females actually reported the unwanted advances.

The reasons given for not reporting the occurrences of sexual harassment were: (1) nothing would be done, (2) embarrassment, (3) person or professional repercussions, or (4) ridicule by fellow teachers.

The following guidelines may be helpful in deterring sexual harassment.

1. Develop a written policy addressing sexual harassment.
2. Communicate the policy to every employee.
3. Conduct training and staff development for all employees.
4. Report any inappropriate conduct to the proper authorities.
5. Follow up on all complaints.
6. Do not tolerate sexual harassment.

No person should be subject to unwanted sexual advances. Unfortunately this does and will happen. However, it must not be tolerated.

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